

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DUSTIN T. FODO,

Plaintiff,

v.

DOUG RICHARDSON, BRET FARRAR,
OFFICER BABCOCK, JOHN DOES 1-4,

Defendants.

No. C12-6028 RBL/KLS

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's motion for leave to proceed *in forma pauperis* (IFP motion). ECF No. 1. To file a complaint and initiate legal proceedings, a plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

Plaintiff's filed his IFP motion on December 5, 2012. ECF No. 1. On the same day, he sent a letter to the Clerk stating that he had not yet been able to obtain a certified copy of trust account statement for the last six months. ECF No. 2. Plaintiff was given until January 4, 2013 to provide his trust account statement in support of his IFP motion. He has not done so.

DISCUSSION

The court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

A prisoner seeking to bring a civil action without prepayment of fees must submit a "certified copy of the trust fund account statement (or *institutional equivalent*)" for the six month

1 period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2) (emphasis
2 added). Thus, if Plaintiff cannot obtain a certified copy of his trust account statement, he should
3 file the trust account statement provided to him by the Pierce County Jail. Until Plaintiff has
4 done so or paid the full \$350.00 filing fee, the Court will not review his complaint.

5 Accordingly, it is **ORDERED**:

6 (1) Plaintiff shall submit a copy of his prison trust account statement showing the
7 balance and activity of his account for the six-month period immediately preceding the filing of
8 his petition **on or before February 15, 2013**. Alternatively, Plaintiff shall pay the full \$350.00
9 filing fee required to proceed with this action **on or before February 15, 2013**.

10 (2) Failure to cure these deficiencies by the above date shall be deemed a failure to
11 properly prosecute this matter and the Court will recommend dismissal of this matter.

12 (3) The Clerk is directed to send a copy of this Order to Plaintiff.

13 **DATED** this 28th day of January, 2013.

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19 Karen L. Strombom
20 United States Magistrate Judge
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